



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

February 13, 1978

Present: Cutter, Kulmala, Raftery, Sauer, Hannaford, Zielinski

The date showing on the Minutes of the previous meeting was changed to January 23, 1978. In line 2, paragraph 1, the word "private driveway" was changed to "public way." In paragraph 3 the word "receive" in line 4 was changed to "see in the possession of the applicant." In paragraph 1, page 2, it should be made clear that the numbered items were alternatives discussed. The minutes were accepted as amended.

Hal Sauer read a proposed letter to be sent by the Planning Board to the Selectmen regarding the Indian Hill stub. It suggested that a legal license be granted to Horrock Brothers which would allow them access to their lot. A similar license would have to be given to the other property owner who also uses an access over this way. Such license would be withdrawn only for the purpose of putting in a paved way. Lois Surgenor, the other abuttor whose driveway goes down the town-owned easement, would like to have an individual driveway and not have the Horrock driveway combined with hers. During discussion it was pointed out that all town roads are owned to the center of the roadway by the abuttors with the Town owning only an easement. Tom Raftery had reservations regarding the use of a "license" in this case. He will talk with Neil Melone regarding this in order to make sure there will be no cloud on the titles. It was strongly felt that the Town has an obligation to not deny the owner access to this lot.

Frank Hannaford reported that Neil Melone will be sending the Board bills for filing read easements with the Registry. The Board had voted to have Town Counsel instead of the developer do this filing in order that the Board be fully informed.

Art Charbonneau appeared to inform the Board of his intentions regarding Valleyhead. He stated that the parcels had started as residential and he wanted to put it back as residential if economically feasible. Zoning variances may be necessary to separate some of the existing buildings into separate ownership. The draft of his plan showed three regular and two porkchop lots on the north side of South Street, containing approximately 20 acres with 950 ft. frontage, and on the south side three regular and five porkchop lots containing 46 acres and 1064 ft. frontage.

Charbonneau discussed the procedures necessary to use the common sewerage system which is currently tied into three of the existing buildings for all the proposed dwellings. He pointed out that visually the only added unit would be the one on the lot with the swimming pool. Six new units will be built and two ells from the hospital building will be moved to become individual dwellings.

He pointed out that the current assessment on the property is \$560,000 and there is an abatement application. Based on 80% of the anticipated selling price, the new assessment would be \$1.29 million--a 66% increase in evaluation.

Regarding the Driveway Bylaw, it was suggested that in order to get the driveway to show on a plan that the Board of Health add this to their Rules and Regulations and that it be references in that part of the Bylaw. One sentence of the draft was changed to read "at the time of granting a special permit there is recorded with the Registry of Deeds a clear provision for maintenance, snow removal and drainage." It was decided to omit the definitions and references to "Private" driveway and "common" driveway. The text will be published in the Legal Notice.

Bruce Stamski appeared on behalf of Joseph Moore Co. and its client, Deck House, to inform the Board that the DEQE had remanded Deck House's appeal back to the Conservation Commission. Since the hydrological zoning question was from the Wetland's Protection Act, the DEQE felt that the Town could issue an order of conditions. The Conservation Commission, Stamski reported, had voted an order of three conditions. 1. When the Board of Health plans are submitted they will be submitted to the Conservation Commission for applicability. 2. Covenants for maintenance will be referenced in the deeds for each individual lot. 3. Their approval is subject to any permit or variance which must be obtained under the Wetlands Bylaw as determined by the Planning Board.

A decision is needed from the Planning Board as to the status of the "private paved driveway." The Board should prepare to make such a decision, asking for benefit of Town Counsel and make its thinking known to Deck House. It was questioned whether the final determination (and issuance of a special permit) was a Planning Board matter or a matter for the Board of Appeals. It was felt that the Board needs an argument from Deck House as to how the way is a private driveway under the Carlisle Zoning Bylaw. A letter will be written asking for Town Counsel's written opinion and another asking for a written opinion from Deck House. Deck House will also be invited to offer oral arguments at the February 27 meeting.

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Kay Kulmala reported that Vivian Chaput had indicated her willingness to run for election to the Planning Board. This will be confirmed and her name placed in nomination at Town Caucus.

Meeting adjourned at 11:45 p.m.

Respectfully submitted,


Meredith DeLong, Secretary